

REMARKS

INTRODUCTION:

In accordance with the foregoing, no claim has been added, amended or cancelled herein. Claims 1-20 are pending in the present application. Claims 1, 10, 15, and 18 are independent claims.

Applicants request reconsideration and allowance of the present application in view of the following remarks.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 5-6, 13-14 and 16-17 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for claiming “both printing and not printing at the same time” such that “there is nothing left to exclude.” The rejections are traversed and reconsideration is requested.

Applicants assert claims 5 and 6 may have potentially been interpreted as including both the embodiments of printing and not-printing within the same claim. However, Applicants point out that claims 5 and 6, although incorporating the features of independent claim 1, are separate claims and therefore do not claim an apparatus “both printing and not printing at the same time” as asserted in the Office Action. Rather, claims 5 and 6 each claim alternative embodiments related to the timing of the printing function as illustrated, for example, in paragraph [0042] of the present application.

Applicants assert the same rationale applies to claims 13-14 and 16-17, which are dependent upon independent claims 10 and 15, respectively. Accordingly, it is respectfully requested the rejections be withdrawn.

REJECTIONS UNDER 35 USC 102 & 103:

Claims 1-17 stand rejected under 35 U.S.C. §102(e) as being anticipated in view of US Pub number 2002/0054330 (“Jinbo”). Claims 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jinbo and further in view of US Pub number 2002/0196459 A1 (“Kadowaki”). The rejections are respectfully traversed.

Independent claim 1 recites at least the following:

a wireless communication unit to...detect the wireless reception sensitivity of the image data, and output a reception sensitivity information corresponding to a result of detection

Jinbo fails to suggest or disclose at least the above-recited features. Jinbo is directed to "an image forming apparatus which switches from one mode concerning power consumption of the image forming apparatus to another in accordance with the position of [a] portable terminal which receives the information" in order to enhance power saving (*Jinbo*, pars. [0009] and [0011]). The Office Action asserts that Jinbo describes the above-recited features at paragraph [0063]. Specifically, the Office Action states:

"Reception sensitivity of the data can be inferred as the distance between the image forming apparatus and the external apparatus."

Applicants respectfully disagree with the above assertion. Jinbo fails to even mention the term "sensitivity," let alone "outputting a reception sensitivity information corresponding to a result of detection." Moreover, detecting reception sensitivity requires more than just analyzing a distance between a transmitter and receiver as asserted in the Office Action. One skilled in the art would recognize that reception sensitivity may be influenced by many other factors besides distance including the presence of obstacles or electrical noise. Accordingly, Applicants assert that reception sensitivity cannot be inferred by detecting a distance as asserted in the Office Action.

Finally, even assuming for the sake of argument that the above Office Action assertion is true, Applicants still maintain that "detecting the distance between the image forming apparatus and the portable terminal 210" in order to "switch from one mode of a plurality of modes concerning power consumption to another" to save power as described in Jinbo is completely different than the above-recited features of claim 1.

Independent claim 1 further recites at least the following:

an image forming unit to change a time-out value based on the reception sensitivity information

Jinbo fails to suggest or disclose at least the above-recited features.

The Office Action asserts that Jinbo describes the above-recited features at paragraph [0086]. Specifically, the Office Action states:

“Time-out value that change depending on the reception of the signal can be inferred as a power consumption mode that changes depending on the distance between the image forming apparatus and the external apparatus.”

Again, Applicants respectfully disagree. Changing a time-out value based on reception sensitivity information is different than a power consumption mode that changes depending on distance. As Applicants asserted above, a change in reception sensitivity may occur due to many factors besides distance. Further, changing a time out value has nothing to do with changing a power consumption mode. One skilled in the art would recognize that adjusting a time out value might be performed for a variety of reasons including, but not limited to, accommodating lower data throughput rates and allowing access of a single asset by multiple devices.

Accordingly, Applicants respectfully submit that independent claim 1 patentably distinguishes over the cited references, and should be allowable for at least the above-mentioned reasons. Since similar features recited by independent claims 10, 15, and 18, and 21, with potentially differing scope and breadth, are not taught or disclosed by the references, the rejection should be withdrawn and claims 10, 15, and 18 also allowed.

Further, Applicants respectfully submit that claims 2-9, 11-14, 16-17 and 19-20, which variously depend from independent claims 1, 10, 15, and 18, should be allowable for at least the same reasons as claims 1, 10, 15, and 18, as well as for the additional features recited therein.

Dependent claim 3 recites at least the following:

the wireless communication module outputs the reception sensitivity information by repeatedly checking the wireless reception sensitivity of the image data for a predetermined temporal interval in accordance with a control signal of the central processing unit while the image data is being transmitted

Jinbo fails to suggest or disclose at least the above-recited features.

The Office Action asserts that Jinbo describes the above-recited features at paragraph [0103] and claim 3. Applicants respectfully disagree. Paragraph [0103] of Jinbo describes "controlling a heater of the fixing device 118 so as to maintain the temperature of the fixing device 118..." Claim 3 of Jinbo describes "a discriminator which discriminates whether or not said portable terminal is approaching said image forming apparatus..." Neither of the cited portions from Jinbo even suggest "a predetermined temporal interval" as in the above-recited claim language, let alone all of the above-recited features.

Accordingly, Applicants respectfully submit that dependent claim 3 patentably distinguishes over the cited references, and should be allowable for at least the above-mentioned reasons.

With regard to the 103(a) rejection of claims 18-20, Kadowaki fails to compensate for the noted deficiencies of Jinbo. Accordingly, claims 18-20, which incorporate the features of independent claim 17, plus additional features recited therein, are also patentable over the combination of Jinbo and Kadowaki for the same reasons as those described herein.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10/4/2007

By: 

David J. Cutitta
Registration No. 52,790

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501